

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1333 of 2001

For Approval and Signature:

HON'BLE MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the concerned Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals? : NO

R K AGENCY THRO' PARTNER

Versus

PRAVINCHANDRA NATHALAL

Appearance:

1. Civil Revision Application No. 1333 of 2001
MR ASHISH M DAGLI for Petitioner No. 1
MR PJ KANABAR for Respondent No. 1
DELETED for Respondent No. 2
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CORAM : HON'BLE MR.JUSTICE P.B.MAJMUDAR

Date of decision: 21/04/2004

ORAL JUDGEMENT

The petitioner-herein is the original plaintiff of Summary Suit No.21/2000, which is pending before the

Civil Court (S.D.), Rajkot. The plaintiff has filed the said suit for getting money decree. The respondents herein filed an application for leave to defend the said suit and requested the Court to grant them leave to defend the suit. The trial Court came to the conclusion that the factual aspect pleaded in the suit is not clear and it is a clear case in which defendants are required to be granted leave to defend unconditionally and leave to defend was granted accordingly. The prayer made on behalf of the petitioner to decree the suit on the ground that the defendants do not have plausible defence, is rejected by the trial Court.

2) In fact, the plaintiff has prayed for summons for judgement against both the respondents but in the present proceedings, the petitioner could not serve respondent No.2 and ultimately, by order of this Court dated 4-8-2003, the revision was dismissed qua respondent No.2 for non-prosecution and order against respondent No.2 has already become final.

3) Considering all these aspects, in my view, the order of the trial Court is not required to be interfered with by this Court in a revision under Section 115 of C.P.C. Accordingly, this Revision Application is rejected. Rule is discharged. No costs. The Summary Suit pending before the trial Court is ordered to be expedited.

(P.B.Majmudar, J.)

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